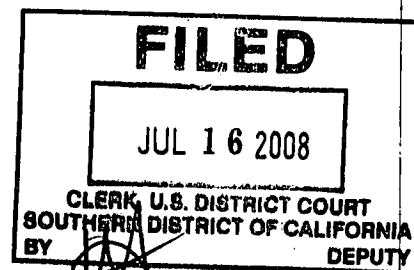
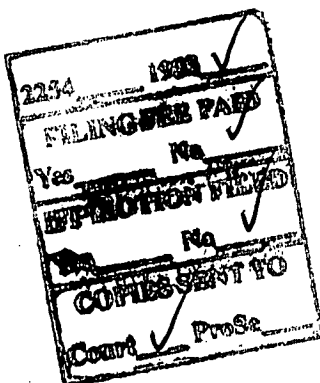


DAVID LASHAY BROWN
 (Name)
P.O. Box 911 B-1-240
 (Address)
IMPERIAL, CA 92251
 (City, State, Zip)
F43415
 (CDC Inmate No.)



United States District Court Southern District of California

DAVID LASHAY BROWN
 (Enter full name of plaintiff in this action.)

Plaintiff,

v.

V.M. ALMAGER, WARDEN
J. ABBOTT, SERGEANT
BROWN C/O
CENTINELA PRISON
 (Enter full name of each defendant in this action.)

Defendant(s).

'08 CV 1287 BEN AJB

Civil Case No. _____
 (To be supplied by Court Clerk)

Complaint under the
 Civil Rights Act
 42 U.S.C. § 1983

A. Jurisdiction

Jurisdiction is invoked pursuant to 28 U.S.C. § 1343(a)(3) and 42 U.S.C. § 1983. If you wish to assert jurisdiction under different or additional authority, list them below.

B. Parties

1. Plaintiff: This complaint alleges that the civil rights of Plaintiff, DAVID LASHAY BROWN
 (print Plaintiff's name)
 _____, who presently resides at CENTINELA STATE PRISON
 (mailing address or place of confinement)
P.O. Box 911 IMPERIAL, CA 92251, were violated by the actions
 of the below named individuals. The actions were directed against Plaintiff at CENTINELA
PRISON D-YARD B-1-201 on (dates) 12-9-07, _____, and _____
 (institution/place where violation occurred) (Count 1) (Count 2) (Count 3)

2. Defendants: (Attach same information on additional pages if you are naming more than 4 defendants.)

Defendant V.M. ALMAGER resides in IMPERIAL,
(name) (County of residence)
 and is employed as a WARDEN (A). This defendant is sued in
(defendant's position/title (if any))
 his/her ☒ individual ☒ official capacity. (Check one or both.) Explain how this defendant was acting
 under color of law: HE HAD A DUTY TO MAKE SURE, I WAS NOT IN A POSITION
WHERE HARM WOULD COME TO ME.

Defendant J. Abbott resides in IMPERIAL,
(name) (County of residence)
 and is employed as a C/O SERGEANT. This defendant is sued in
(defendant's position/title (if any))
 his/her ☒ individual ☒ official capacity. (Check one or both.) Explain how this defendant was acting
 under color of law: DID NOT INSURE MY SAFETY BY PUTTING ME IN A CELL WITH A
MENTALLY UNSTABLE INMATE. EVALUATING ARNETT PROPERLY TO SEE IF HE COULD
FUNCTION PROPERLY AROUND OTHER INMATES. FAILED TO PROVIDE ADEQUATE MEDICAL
CARE TO MY INJURIES FROM THE ATTACK.

Defendant _____ resides in IMPERIAL,
(name) (County of residence)
 and is employed as a C/O CENTINELA STAFF. This defendant is sued in
(defendant's position/title (if any))
 his/her ☐ individual ☐ official capacity. (Check one or both.) Explain how this defendant was acting
 under color of law: DID NOT INSURE MY SAFETY BY PUTTING ME IN A CELL WITH
A MENTALLY UNSTABLE INMATE. NOT LETTING ME KNOW HE HAD PROBLEMS WITH
OTHER CELLS. EVALUATE TO SEE IF HE COULD FUNCTION PROPERLY AROUND OTHER INMATES.

Defendant _____ resides in IMPERIAL,
(name) (County of residence)
 and is employed as a C/O CENTINELA MEDICAL STAFF. This defendant is sued in
(defendant's position/title (if any))
 his/her ☐ individual ☐ official capacity. (Check one or both.) Explain how this defendant was acting
 under color of law: DID NOT INSURE MY SAFETY BY PUTTING ME IN A CELL WITH A
MENTALLY UNSTABLE INMATE. NOT LETTING ME KNOW HE HAD PROBLEMS WITH OTHER
CELLS. EVALUATE TO SEE IF HE COULD FUNCTION PROPERLY AROUND OTHER INMATES.
DENIED ME PROPER MEDICAL CARE.

C. Causes of Action (You may attach additional pages alleging other causes of action and the facts supporting them if necessary.)

Count 1: The following civil right has been violated: Eight Amendment injury constitutes
(E.g., right to medical care, access to courts, due process, free speech, freedom of religion, freedom of association, freedom from cruel and unusual punishment, etc.)
CRUEL AND UNUSUAL PUNISHMENT / PROPER MEDICAL CARE / DANGEROUS SITUATION.

Supporting Facts: [Include all facts you consider important to Count 1. State what happened clearly and in your own words. You need not cite legal authority or argument. Be certain to describe exactly what each defendant, by name, did to violate the right alleged in Count 1.]

ON SUNDAY 12-09-07 ABOUT 0220 AM
HAS, I MR. BROWN F43415 WAS ASSAULTED REPEATEDLY BY INMATE
ARNETT F-66170. I WAS WOKEN UP BEING HIT NUMEROUS OF TIMES
IN THE FACE, BACK AND HEAD. MY EYE WAS BADLY BUSTED OPEN. I
WAS BEAT BY ARNETT WHO WASN'T PROVOKED IN ANYWAY, BUT
HAS SAID IN THE PAST HE HAS MENTAL PROBLEMS. I WAS PUT IN A
DANGEROUS SITUATION WHERE, I COULD OF LOST MY LIFE. MY EYE STILL
BOTHERS ME FROM THIS INCIDENT. I HAVE HAD TROUBLE SLEEPIN IN
THE PAST. I WAS DENIED PROPER MEDICAL CARE AFTER THE
INCIDENT, BY CENTINELA STATE PRISON. I AM VERY TRAUMATIZED
FROM THIS INCIDENT. MY NEW CELLS I WONDER WHAT THERE
DOING DURING THE NIGHT. I WAS TREATED LIKE NOTHING FROM THE
CENTINELA PRISON STAFF. CENTINELA PRISON STAFF TREATED THIS
INCIDENT LIKE IT WASN'T SERIOUS. MY EYE BADLY BLEEDING IS BEATEN
DID NOT MATTER TO CENTINELA STAFF OR MEDICAL STAFF ON DUTY.
PROPER MEDICAL PROCEDURES WEREN'T TAKEN LIKE PICTURES OF MY
EYE, DOCUMENTS ON A CDC FORM 7219. IT DIDN'T MATTER
THAT I WAS A VICTIM OF A SERIOUS BATTERY. THE INJURY TO MY
A REPORT WAS NOT PUT IN MY MEDICAL FILE. GLO BROWN WAS
THERE THE NIGHT I WAS ASSAULTED, HE ESCORTED ME TO AD-SEC
IN PROGRAM OFFICE. "ESTELLE V. GAMBLE" 42 U.S. C. A (1983
"BUTLER V. DOWD, 979 F. 2d, 661, 675 (8TH. CIR. 1992) BEST V. ESSEX COUNTY, 986
F. 2d 54, 56-57 (3d CIR. 1993) AJALA SERRANO V. LEBRON GONZALES, 909 F. 2d 8, 14
(1ST CIR. 1990) BERRY V. CITY OF MUSKOGEE, 900 F. 2d 1489, 1497-99 (10TH. CIR. 1990)

D. Previous Lawsuits and Administrative Relief

1. Have you filed other lawsuits in state or federal courts dealing with the same or similar facts involved in this case? ☐ Yes ☒ No.

If your answer is "Yes", describe each suit in the space below. [If more than one, attach additional pages providing the same information as below.]

(a) Parties to the previous lawsuit:

Plaintiffs: _____

Defendants: _____

(b) Name of the court and docket number: _____

(c) Disposition: [For example, was the case dismissed, appealed, or still pending?] _____

(d) Issues raised: _____

(e) Approximate date case was filed: _____

(f) Approximate date of disposition: _____

2. Have you previously sought and exhausted all forms of informal or formal relief from the proper administrative officials regarding the acts alleged in Part C above? [E.g., CDC Inmate/Parolee Appeal Form 602, etc.] ? ☐ Yes ☐ No.

If your answer is "Yes", briefly describe how relief was sought and the results. If your answer is "No", briefly explain why administrative relief was not sought.

Administrative Relief was not sought because the incident was too serious for a 602. In they made it seem like it wasn't serious. In they denied me proper care. I was put in the hole with no discipline. So I felt a 602 would of been useless. The way they handled the situation, I really felt they didn't care that I could of died that night.

E. Request for Relief

Plaintiff requests that this Court grant the following relief:

1. An injunction preventing defendant(s): _____

2. Damages in the sum of \$ 100,000

3. Punitive damages in the sum of \$ 800,000

4. Other: _____

F. Demand for Jury Trial

Plaintiff demands a trial by ☒ Jury ☐ Court. (Choose one.)

G. Consent to Magistrate Judge Jurisdiction

In order to insure the just, speedy and inexpensive determination of Section 1983 Prisoner cases filed in this district, the Court has adopted a case assignment involving direct assignment of these cases to magistrate judges to conduct all proceedings including jury or bench trial and the entry of final judgment on consent of all the parties under 28 U.S.C. § 636(c), thus waiving the right to proceed before a district judge. The parties are free to withhold consent without adverse substantive consequences.

The Court encourages parties to utilize this efficient and expeditious program for case resolution due to the trial judge quality of the magistrate judges and to maximize access to the court system in a district where the criminal case loads severely limits the availability of the district judges for trial of civil cases. Consent to a magistrate judge will likely result in an earlier trial date. If you request that a district judge be designated to decide dispositive motions and try your case, a magistrate judge will nevertheless hear and decide all non-dispositive motions and will hear and issue a recommendation to the district judge as to all dispositive motions.

You may consent to have a magistrate judge conduct any and all further proceedings in this case, including trial, and the entry of final judgment by indicating your consent below.

Choose only one of the following:

☒ Plaintiff consents to magistrate judge jurisdiction as set forth above.

OR

☐ Plaintiff requests that a district judge be designated to decide dispositive matters and trial in this case.

7-11-08
Date

David Brown
Signature of Plaintiff

JS44

(Rev. 07/89)

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1988, is required for the use of the Clerk of Court for the purpose of initiating the case.

I (a) PLAINTIFFS

David Lashay Brown

2234 1983
CIVIL COVER SHEET
FILING FEE PAID
MOTION FILED
DEFENDANTS
COPIES SENT TO
Court, Pres

V.M. Almager, et al

FILED
JUL 16 2008
CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY *LA* DEPUTY

(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF Imperial
(EXCEPT IN U.S. PLAINTIFF CASES)

COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND

(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

David Lashay Brown
PO Box 911
Imperial, CA 92251
F-43415

ATTORNEYS (IF KNOWN)

'08 CV 1287 BEN AJB

II. BASIS OF JURISDICTION (PLACE AN x IN ONE BOX ONLY)

- ☐ 1 U.S. Government Plaintiff ☒ 3 Federal Question (U.S. Government Not a Party)
☐ 2 U.S. Government Defendant ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (PLACE AN x IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT)

- | | PT | DEF | | PT | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business in This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. CAUSE OF ACTION (CITE THE US CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE. DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY).

42 U.S.C. 1983

V. NATURE OF SUIT (PLACE AN x IN ONE BOX ONLY)

CONTRACT	TORTS		FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance	PERSONAL INJURY	PERSONAL INJURY	<input type="checkbox"/> 610 Agriculture	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 400 State Reappointment
<input type="checkbox"/> Marine	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 362 Personal Injury-Medical Malpractice	<input type="checkbox"/> 620 Other Food & Drug	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 410 Antitrust
<input type="checkbox"/> Miller Act	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 365 Personal Injury - Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881	PROPERTY RIGHTS	<input type="checkbox"/> 430 Banks and Banking
<input type="checkbox"/> Negotiable Instrument	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<input type="checkbox"/> 630 Liquor Laws	<input type="checkbox"/> 820 Copyrights	<input type="checkbox"/> 450 Commerce/ICC Rates/etc.
<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 330 Federal Employers' Liability	PERSONAL PROPERTY	<input type="checkbox"/> 640 RR & Truck	<input type="checkbox"/> 830 Patent	<input type="checkbox"/> 460 Deportation
<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 340 Marine	<input type="checkbox"/> 370 Other Fraud	<input type="checkbox"/> 650 Airline Regs	<input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations
<input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans)	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 371 Truth in Lending	<input type="checkbox"/> 660 Occupational Safety/Health	SOCIAL SECURITY	<input type="checkbox"/> 810 Selective Service
<input type="checkbox"/> 153 Recovery of Overpayment of Veterans Benefits	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 380 Other Personal Property Damage	<input type="checkbox"/> 690 Other	<input type="checkbox"/> 861 HIA (1395H)	<input type="checkbox"/> 850 Securities/Commodities Exchange
<input type="checkbox"/> 160 Stockholders Suits	<input type="checkbox"/> 355 Motor Vehicle Product Liability	<input type="checkbox"/> 385 Property Damage Product Liability	LABOR	<input type="checkbox"/> 862 Black Lung (923)	<input type="checkbox"/> 875 Customer Challenge 12 USC
<input type="checkbox"/> Other Contract	<input type="checkbox"/> 360 Other Personal Injury		<input type="checkbox"/> 710 Fair Labor Standards Act	<input type="checkbox"/> 863 DIWC/DIWW (405(g))	<input type="checkbox"/> 891 Agricultural Acts
<input type="checkbox"/> 195 Contract Product Liability			<input type="checkbox"/> 720 Labor/Mgmt. Relations	<input type="checkbox"/> 864 SSID Title XVI	<input type="checkbox"/> 892 Economic Stabilization Act
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS	<input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act	<input type="checkbox"/> 865 RSI (405(e))	<input type="checkbox"/> 893 Environmental Matters
<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus	<input type="checkbox"/> 740 Railway Labor Act	FEDERAL TAX SUITS	<input type="checkbox"/> 894 Energy Allocation Act
<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 442 Employment	<input type="checkbox"/> 530 General	<input type="checkbox"/> 790 Other Labor Litigation	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)	<input type="checkbox"/> 895 Freedom of Information Act
<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 443 Housing/Accommodations	<input type="checkbox"/> 535 Death Penalty	<input type="checkbox"/> 791 Empl. Ret. Inc.	<input type="checkbox"/> 871 IRS - Third Party 26 USC 7609	<input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice
<input type="checkbox"/> 240 Tort to Land	<input type="checkbox"/> 444 Welfare	<input type="checkbox"/> 540 Mandamus & Other	<input type="checkbox"/> Security Act		<input type="checkbox"/> 950 Constitutionality of State
<input type="checkbox"/> 245 Tort Product Liability	<input type="checkbox"/> 440 Other Civil Rights	<input checked="" type="checkbox"/> 550 Civil Rights			<input type="checkbox"/> 890 Other Statutory Actions
<input type="checkbox"/> 290 All Other Real Property					

VI. ORIGIN (PLACE AN x IN ONE BOX ONLY)

- ☒ 1 Original Proceeding ☐ 2 Removal from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify) ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judgment

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER f.r.c.p. 23

DEMAND \$

Check YES only if demanded in complaint:

JURY DEMAND: ☒ YES ☐ NO

VIII. RELATED CASE(S) IF ANY (See Instructions):

JUDGE

Docket Number

DATE 7/17/2008

SIGNATURE OF ATTORNEY OF RECORD

u. Hammer